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503.32492VX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. OTA et al.

Serial No.: 08/816,891

Filed: March 13, 1997

For: MATRIX PANEL DISPLAY APPARATUS AND DRIVING
METHOD THEREFOR WHEREIN AUXILIARY SIGNALS
ARE APPLIED TO NON-SELECTED PICTURE
ELEMENTS

Group: 2675

Examiner: C. Nguyen

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AUG 14 2001

REQUEST FOR ISSUANCE OF NEW OFFICE ACTION
CONSIDERING ALL OF PENDING CLAIMS 17-34

Technology Center 2600

Assistant Commissioner for Patents
Washington, D.C. 20231

August 10, 2001

Sir:

On August 6, 1998, the Examiner issued a first Office Action in the present Rule 62 divisional application in which the Examiner improperly

(1) assumed that the applicants had elected the species of Fig. 22 for prosecution on the merits in the present Rule 62 divisional application,

(2) withdrew claims 23-33 from consideration as allegedly not being readable on the allegedly elected species of Fig. 22, and

(3) considered claims 17-22 and 34 on the merits as being readable on the allegedly elected species of Fig. 22.

On August 17, 1998, the applicants filed a petition pointing out that the Examiner's actions in the Office Action of August 6, 1998, were improper, and requesting that

(1) the Office Action of August 6, 1998, RECEIVED
on the merits be withdrawn,

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(2) a new Office Action requiring an
election of species be issued, and Technology Center 2600

(3) the period for response be restarted.

On Monday, February 8, 1999, the applicants' representatives at the law firm discussed the petition of August 17, 1998, in a telephone interview with SPE Richard Hjerpe of Art Unit 2774 who was acting on behalf of SPE Steven Saras of Art Unit 2775 to which the present application was then assigned. During the interview, SPE Hjerpe indicated that the petition of August 17, 1998, was going to be granted, and that it was not necessary for the applicants to take any further action within the six-month statutory period for response set in the Office Action of August 6, 1998, which was expiring on the day of the interview, i.e. Monday, February 8, 1999.

That same day, February 8, 1999, SPE Hjerpe faxed a copy of an interview summary with a mailing date of February 8, 1999, to the applicants' representatives at the law firm indicated below in which SPE Hjerpe stated as follows:

Discussed that the previous Office action is vacated. No response from applicant is necessary and a new Office action will be prepared in due course. A decision to applicant's petition in support of this position will be mailed shortly.

A copy of the interview summary for the interview of February 8, 1999, is attached hereto.

However, the applicants have never received a decision on
the petition of August 17, 1998, or a new Office Action even

though more than two and one-half years have passed since the interview of February 8, 1999.

It is understanding of the applicants' representatives that the application has been charged to SPE Steven Saras of Art Unit 2675 to which the application is now assigned since May 8, 2001.

It is respectfully requested that a new Office Action be issued as soon as possible. Furthermore, in view of the fact that the prosecution of the application has now been delayed by more than three years since the improper Office Action of August 6, 1998, was issued, it is respectfully requested that any election of species requirement be waived, and that the new Office Action consider all of the pending claims, i.e. claims 17-34, on the merits.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Paul J. Skarland Reg No 32,173 for
Melvin Kraus
Registration No. 22,466

MK/RSS
(703) 312-6600

Attachment



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/816,991	03/13/97	DTA	11 083,32492W1

LMS170208

ANTONELLI, TERRY STOUT & KRAUS
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EXAMINER
NGUYEN, C

ART UNIT
2775 PAPER NUMBER

DATE MAILED: 02/08/99

INTERVIEW SUMMARY

603,82492W1

All participants (applicant, applicant's representative, PTO personnel):

(1) MR. MELVIN KRAUS

(3) MR. KRAUS

(2) MR. RICHARD HSERPE

(4)

Date of Interview FEBRUARY 8, 1999

Type: Telephonic Teletype Conference Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No If yes, brief description:

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Agreement was reached. was not reached.

Claim(s) discussed: 17-34

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Identification of prior art discussed: None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed that the previous Office action is vacated. No response from applicant is necessary and a new Office action will be prepared in due course. A decision to applicant's petition in support of this ~~title~~ position will be mailed shortly.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See-MPEP Section 713.04). If a reply to the last Office action has not been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.